# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/990,359 | 11/23/2001 | Miraj Mostafa | 367.40898X00 | 2084 |

| | | | EXAMINER |
|---|---|---|---|
| 20457 | 7590 | 02/18/2005 | ABEL JALIL, NEVEEN |

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DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>01 September 2004</u>.

2a)☒ This action is **FINAL**.     2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-13* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**SAM RIMELL**
**PRIMARY EXAMINER**

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

### Remarks

1.      The amendment filed on September 1, 2004 has been received and entered. Claims 1-13

are pending.

### *Claim Rejections - 35 USC § 102*

2.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.      Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Barrus et al.

(U.S. Patent No. 6,693,652 B1).

As to claims 1, 11, 12, and 13, Barrus et al. discloses a method in a network entity, a

computer program for controlling a network entity stored therein, the program when executed

causing the network to perform, a communication system (See column 6, lines 47-53),

comprising:

at least one recipient (See column 12, lines 14-59, also see abstract);

a network entity (See column 11, lines 23-30);

receiving media content from a sending entity and addressed to at least one recipient (See

column 12, lines 14-59, also see abstract);

accessing a database comprising recipient data describing multimedia reception

capabilities and/or reception preferences for at least one recipient (See column 14, lies 1-43, also

see column 21, lines 1-8, and see column27, lines 32-44);

forming, in accordance with said recipient data, a notification message (See column 27,

lines 1-30) containing information that said media content is available to be streamed to said at

least one addressed recipient (See column 14, lines 8-13, also see column 10, lines 40-50); and

outputting the notification message for transmission to said at least one addressed

recipient (See column 19, lines 9-33, also see column 27, lines 1-37).


As to claim 2, <u>Barrus et al.</u> discloses further comprising the steps of:

receiving the media content in a multimedia messaging server (See column 16, lines 47-

67, and see column 17, lines 1-7); and

providing the at least one addressed recipient with the media content via the network

entity (See column 16, lines 15-39);

wherein the network entity is a multimedia messaging relay (See column 16, lines 40-67,

also see column 17, lines 1-67).


As to claim 3, <u>Barrus et al.</u> discloses wherein a streaming session is established in order

to stream at least some of the media content to said at least one recipient (See column 14, lines 8-

13, also see column 10, lines 40-50).

As to claim 4, Barrus et al. discloses wherein said establishing of a streamed session is preceded by transmitting the notification message to said at least one addressed recipient (See column 19, lines 9-33, also see column 27, lines 1-37).

As to claim 5, Barrus et al. discloses wherein the media content comprises a set of different types of components and each component can be formatted in one or more formats (See column 6, lines 49-67, also see column 7, lines 1-11, and see column12, lines 13-34).

As to claim 6, Barrus et al. discloses wherein the method further comprises the following steps before said outputting of the media content:

checking the format of at least one component of the received media content (See column 16, lines 40-67, and see column 17, lines 1-7);

determining by using the recipient data whether the format is appropriate for said at least one addressed recipient (See column 20, lines 58-67, and see column 21, lines 1-17, also see column 26, lines 27-60); and

if necessary, translating the component into a format appropriate for said at least one addressed recipient (See column 12, lines 1-34).

As to claim 7, Barrus et al. discloses wherein said notification message provides a minimum amount of information necessary for said at least one addressed recipient to establish a streaming session with the said network entity (See column 7, lines 30-67, wherein "minimum

amount" reads on "threshold", and see column 14, lines 8-13, also see column 10, lines 40-50).

As to claim 8, Barrus et al. discloses wherein the method further comprises providing a radio link during communication with the addressed recipient (See abstract, also see column 7, lines 15-67, wherein "radio" reads on "audio").

As to claim 9, Barrus et al. discloses wherein said sending entity is chosen from a group consisting of:

a media storing entity of a first telecommunication network, a media storing entity of a second telecommunication network, a media storage in an external data transmission network, and a terminal of the first telecommunication network (See column 16, lines 15-67, also see column 17, lines 1-67).

As to claim 10, Barrus et al. discloses wherein the method further comprises transmitting the notification message to said at least one addressed recipient via a first telecommunication network and forming said notification message taking into account the properties of the first telecommunication network (See column 18, lines 39-67).

### *Response to Arguments*

4.      Applicant's arguments filed on September 1, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that "Barrus et al. do not disclose or suggest a database comprising recipient data describing multimedia reception capabilities and/or reception preference" is acknowledged but it is no deemed to be persuasive.

The Examiner points to Barrus et al. column 10, lines 41-50, figure 3a, specifically discloses a multimedia message being viewable by the user of the system. The user has the option to view either a clip or document to access needed information. While in column 9, lines 26-52, Barrus et al. teaches a graphical visual representation of audio recording gauge which is broadly interpreted to read on recipient data describing multimedia reception capabilities.

In response to applicant's argument that "Barrus et al. do not disclose or suggest forming a notification message or a notification message containing information that media content is available to be streamed" is acknowledged but it is no deemed to be persuasive.

The Examiner points to Barrus et al. column 19, lines 25-67, discloses how the multimedia message stores the media object (e.g. streamed) which can be accessed by the user either through a hyperlink or a reference. The presence of the reference or link indicates the aviability of the media object for retrieved (e.g. streaming). Also see Barrus et al. column 23, lines 31-60, discloses once the media object is updated, a multimedia message is sent indicating the changes which is broadly interpreted to read on notification message.

In response to applicant's argument that "Barrus et al. do not disclose or suggest outputting notification message for transmission to at least one addressed recipient" is acknowledged but it is no deemed to be persuasive.

The Examiner points to <u>Barrus et al.</u> figure 8, 804, shows multimedia message system, same figure also shows in block 808, User, Password, Message lists, indicating to the Examiner that the multimedia message is being delivered specifically to specific user which must be logged in to access the information. <u>Barrus et al.</u> clearly teaches a multimedia message system for creating, storing, sending, and retrieving rich media messages to the addressed user. Outputting the content of a multimedia message is also disclosed in column 26, lines 27-47.

*Conclusion*

5.      **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6.      Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5: 30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dov Popovici can be reached on 571-272-4038. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Neveen Abel-Jalil
February 14, 2005


SAM RIMELL
PRIMARY EXAMINER